Presented

App. F. IX-4

1925

File No. 124-25

Previous References

Serial Nos. 13
14 & 16

Later References

P 78-28 II-2

P. 52-40-1, 4

General and Revenue Secretariat.

Serial Nos.

Part B for Annexure I.

SUBJECT

Introduction of the Village Panchayat Regulation into alienated villages in the State

16 To, The Revenue Commr, the other Heads of Departments, the Deputy Commrs of dists the Presidents of Dist. Boards, the Secy to Government General Departments
No. L 7147-7217 dt 9.4.1927.

Issues orders on the memorandum presented by the Inamdar's Assn on the introduction of the Village Panchayat Regulation into Alienated villages in the State

31.5.27

C 847 of 26-27 (3) WD 01264—GPB—40,000—17-12-25

[App. F. III—2

neral and Revenue Secretariat

L. B File No. 124 of 192 5

Serial No.	
13	~~L.B. 124 of 1925~~ From the President, Mysore Inamdars' Association. Letter No. 24 dated 14th April 1926. States that the provisions of the Village Panchayet Bill proposed to be introduced also into the alienated villages of the State seemed to interfere with the existing rights and privileges of the Inamdars and requests that pending the submission of a memorandum to the Government pointing out wherein the provisions of the Bill are in conflict with the powers of the Inamdars, the Bill may not be extended to the alienated villages. The Village Panchayet Bill as approved by the Legislative Council has been already sent to the Government of India and it is now too late to amend the Bill further in order to give effect to the alterations that may be required by the Inamdars' Association. 2) The memorandum promised to be submitted by the Inamdars' Association may, however, be considere when received in framing the rules under the Bill when the Bill is passed into law. The principal point on which the Inamdars might take reasonable exception to the introduction of the Panchayet scheme into inam villages is on the ground that it will affect the income of the Inamdars from Mohatarfa. In this connection kind reference is invited to the minute dated 5th April 1926 by the late Dewan in the file put up below which is extracted here for ready reference "The question of introducing the general scheme of P

Serial No.

of Panchayets to Inam villages is a larger one and has now to be decided when detailed rules are framed in the affirmative. It need not be mixed up with mohatarfa question. The Inamdars cannot be deprived of it by any executive order but they may assign by agreement. That is the position." This

4) This question is one of those which have to be considered and worked up by the Special Officer to be appointed for working out the Village Panchayet Scheme. In the meanwhile the memorandum promised by the Inamdars' Associa - tion may perhaps be awaited.

5) A draft letter acknowledging the receipt of the communication and stating that the receipt of the memorandum is awaited, is submitted for approva or other orders.

9551/10/5

15/5/26

6) Draft as modified is better & may issue.

11/5

11.5

7) To the Presdt. Inamdars' Assn. No 6972 of 15-5-26. Acknowledges receipt of the letter and regrets time to enquire the transmission of the memo.

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

L.B File No. 124 of 192 5.

Serial No.

From the Presat, Inamdars' Association.
No 27 of 14-6-26

Submits the memorandum promised pointing out the provisions of the Village Panchayet Bill which are in conflict with the rights and powers of the Inamdars and recommending certain alterations to safeguard such rights and privileges.

8) The memorandum explains that the association is not in favour of the compulsory introduction of Village Panchayets into each and every alienated village and sets out in detail the reasons for coming to such a conclusion. The reasons will be examined in detail and a further note submitted.

9) The association requests as an alternative that if the Government are not pleased to postpone the introduction of the scheme into the alienated villages they may at least be pleased to amend the Bill in the following respects so as to safeguard the rights and priveleges of holders of alienated villages:-

(1.) Holders of alienated villages into which the Panchayet system is introduced should be outside the Panchayet with definite controlling powers.

(2.) Alienated villages should not be grouped with either Government or other alienated villages,

(3.) The holder of an alienated villages should

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App. F. III—2]

Serial No.

have the right to nominate a certain percentage of the members.

(4.) The selection of the Chairman should rest with the Inamdar and if the Chairman is elected, the election should be subject to the approval of the Inamdar.

(5.) The Deputy Commissioner to remove members or Chairman in consultation with or on the representation of the Inamdar.

(6.) The power of transfer of Village Forest and of the management of Irrigation tanks should not be interefered with in alienated villages. The delegation in respect of these matters should be exercised in consultation with the Inamdars etc.

(7.) The Inamdar shall have the right to exercise the power of an Amaldar under the Regulation except in cases where the Government for special reasons deprive him of such powers.

(8.) Powers in respect of certain matters relating to rights over lands, tanks, income from motharafa not to be interfered with and holders of alienated villages or batayi lands not to be liable for payment of any additional rates, cesses, rates or fee.

(9.) The amendment of the Bill in accordance with the wishes of the Inamdars association is not now feasible as the suggestions have come too late for consideration. The points urged may perhaps be sent to the Deputy Commissioners for opini and on receipt of their opinion, the question of amending the Village Panchayet Regulation may perhaps be considered. Some of the suggestions which may be adopted without an amendment of the

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat

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Serial No.

Regulation will be incorporated in the rules to be issued after submitting a separate note in the matter.

11009/20.6.

DS 19/6/26 1st Lr

8A 20/6

(11) 1 The Contention in para 14 that the Inamdar in the Govt for his Inam village is one that is generally held - (& to wh. Countenance as regards has been given by our action ~~towards~~ the two Jaghirs;) but it is not a Constitutionally sound Contention & Cannot be accepted

(12) 2. It is not the intention of Govt to deprive Inamdars of income that they are now getting & Securing their rights to some extent by the Inamdars Rights of purchase & Moketa to which they will be entitled after Purchases are Established - & it will be open for the Inam village to pay double tax.

(13) 3. The other matters cd. I think, be disposed of by orders wh. shd immediately be drafted.

(14) If the question is raised in Council, as it likely to be, a reply on the above lines has to be given. No amendment is now possible.

(15) Pleas Submit to Dewan.

(16) Dewan (17) JM 26.6.26

DE 21/6/26 8A 21-6

DEWAN'S OFFICE.
24 JUN. 1926
Reg. No. 9364

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

General and Revenue Secretariat

L. B File No. 124 of 1925.

Serial No.	
	From the President, Mysore Inamdars' Associatio Bangalore. Letter No.28 dated 8/11th October 1926. Makes certain observations and suggestions in regard to the Panchayet taxation rules and requests that as there is no indication that in the rules framed by Government the points urged in the memorandum of the Inamdars' Association have been taken into consideration, due consideration may be given to the points noted in the memorandum and the suggestions made be introduced in the rules or in the Regulation.
	18) The suggestions as regards the Panchayet Taxation rules will be considered along with those received from the Deputy Commissioners and will be dea with separately in the file on the subject. As regards the points referred to in the memorandum submitted by the Inamdars' Association some of them were considered by Govt. and orders issued thereon in G.O.No.L.2500-14/L.B.26-26-40 dated 5th October 1926, which has been published in the Mysore Gazett
	19) The memorandum contains 13 points of which 4 have been disposed of in the G.O. of 5th October 1926. The are noted against paras 12, 15, 16 and 17 of the memoran The other nine points require consideration and they are detailed below:-
	20) Point I. (Para 14 of the Memorandum). The holders of the (alienated) villages into which the Panchayet system is to be introduced should be outside the Panchayet with definite controlli powers as they take the place of Government with nega administration of their villages. With regard to this point the First Member of Council in his minut dated 21st June 1926 has been pleased to observe

× Para 11 Supra

NOTE—Contn. Sheet

Serial No.

that the contention that the Inamdar is the Govt. for his inam village is one that is generally held. But it is not constitutionally a sound contention and cannot be accepted.

21) Point II. (Para 18 of the memorandum)

The Deputy Commissioner to exercise power of removal of members or Chairman, (1) in consultation with the holder of the alienated village, when the Panchayet so recommends; and (2) on the representation of the holder of the alienated village without any such recommendation.

Note. The removal of the members and Chairman is to be left to the entire discretion of the Deputy Commissioner (Vide Sections 14 and 15 of the Regulation) There is nothing in the Sections preventing the Deputy Commissioner from duly considering any representation which the holder of an alienated village may wish to make regarding the removal of members and Chairman.

* Section 14 recommendation Panchayat is necessary for the removal of a member 29/10

22) Point III. (Para 19 of the memorandum)

The power of transfer of village forests and the management of irrigation tanks shall be with the holder of the alienated village. Govt. should not interfere. Generally the power of delegation should be exercised by the Deputy Commissioner in consultation with the holder of the alienated village.

Note. Under Section 31 of the Mysore Forest Regulation Government have power to constitute any land at the disposal of Government as a village forest and the inamdars' rights are not affected by the transfer of Village Forests to Panchayets as they comprise only land at the disposal of Government. As

* development may be excluded 28

WD 01264—GPB—40,000—17-12-25

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As regards Tank Panchayets the Mysore Village Panchayet Regulation does not contemplate the grant of any further powers to the Village Panchayets so far as their obligations, duties and privileges are concerned. The Inamdars' powers are not newly curtailed by the enactment of Section 23 of the Village Panchayet Regulation.

23) Point IV. (Para 20 of the Memorandum)

Village Panchayet should not have any power of interference with the rights of the holder of the alienated village in Batayi lands, tanks, gomal, village forests and trees in his enjoyment.

Note. Village forests have been already dispose of under point No III above. Under Section 22 of the Village Panchayet Regulation, Government have the power to transfer to any Panchayet the management and control of grazing in Hulbani and gomal lands. It is at the option of Government to transfer the management and while so transferring, Govt. may impose limitations and conditions. No rules can be framed to protect the rights of Inamdars in this respect and the only thing that Government may do in this matter is not to transfer the management of Hulbani and gomal lands to village panchayets in the case of alienated villages whose holders are not agreeable to such transfer. Any written instructions in this matter would not be quite inkeeping with Section 22 of the Regulation. Government may use this discretion in cases where inamdars readily agree to the transfer of management of such lands.

4 Point V. (Para 21 of he memorandum)

The power of demolition of buildings should

The transfer, if necessary may be made after consulting the Inamdars and on terms which will not prejudicially affect him.

29/10

WD 01264—GPB—40,000—17-12-25

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not be exercised by the Panchayets except with the written approval of the holder of the alienated village.

Note. It is unnecessary to curtail powers in the manner proposed.

25. Point VI (Para 22 of the memorandum)

It is therefore necessary that the proviso to Section 48 of the Mysore Local Boards and Village Panchayet Regulation No. VI of 1918 should find place in the present Regulation.

Note. In this connection the First Member of Council in his note dated 21st June 1926 has minuted as follows:-

"It is not the intention of Government to deprive inamdars of income that they are now getting some system of purchase of Mohatarfa rights is to be introduced after Panchayets are established as it will be hard for the Inam village to pay double tax. At the Deputy Commissioners' meeting held in October 1926 the question of compensating Inamdars for the loss of a Mohatarfa was discussed and certain additional information has been called for from the Local and Legislative Secretary. In para 10 of G.O. dated 5th October 1926 it has been observed that the Inamdars concerned will also give up their right to levy of Mohatarfa in the interests of their village and the Deputy Commissioners have been requested to consult the inamdars in the matter and submit suitable proposals. The matter may be considered after the reports from the D.Cs are received.

26) Point VII. (Para 23 of the memorandum)

The holder of an alienated village or the Patel shall not be liable to pay any

This request is contrary to the Regn. of

Para 12 of the notes above

It was stated at the D.C's meeting that there is an Elaborate note by Sir S. Ali to show that Dhenakat is abrogated by Govt. It exists in villages also. Mr Mathai & Mr Balasundaram have seen this, I believe. Mr Sadhe placed Subs with Sec. for

Land and zemal village including Inam

NOTE—Contn. Sheet

Serial No.

additional tax, cess, rate or fee that the Panchayat may decide to levy.

Note. The levy of cess, rate or fee under Section 37 of the Regulation is subject to the sanction of Government and as each case will have to be decided on its merits, any representation the Inamdars may make in such cases may be duly considered by Government before orders are passed. The general exemption in the manner proposed by the Association does not appear to be feasible.

27. Point VIII (Para 24 of the memorandum)

The holder of an alienated village shall have the right to exercise power of an Amildar under the Regulation except in cases where the Government for special reasons deprive him of such powers.

Note. The holders of alienated village may be minors or women and may not in all cases be fit to exercise the powers of an Amildar. The provision in the present Section 45 that the Government may confer on the holder of any alienated village any or any of the powers of an Amildar under the Regulation is more suitable.

28 Point IX. (Para 25 of the memorandum)

If there are several sharers they may be required to elect one of them to exercise the powers under the Regulation. If they fail to do so or do not agree the Deputy Commissioner may appoint one of them to exercise such powers. In view of the note on point 8 above there is no necessity to consider this point.

452/29/10

29) These points may perhaps be considered at a meeting of Council and a definite reply sent to the President of the Inamdar's Association

DS 1.11.25 (1st Member) 25/29/10

NOTE—Contn. Sheet

General and Revenue Secretariat

File No. C 847 of 192

Serial No.

DEWAN'S OFFICE.
Received on
26. FEB. 1927
Reg. No. 6297

The crisp point is re Compensation for Mohatsa. The file returned to me from D.C.S. directing that the case should without further delay be submitted with Legislative proposals

30/10

8925/24/2

Law Deptt.

A draft G.O. re proposal to the Mysore Inamdars Association is submd. It may perhaps be considered along with the Memorandum to be placed before the R A in Council.

24/2/27

OFFICE OF THE THIRD MEMBER OF COUNCIL.
28 FEB. 1927
No. 806

18th March 25/2 24/2

Draft as may be considered in Council

26.2.27

Seen 28/2

28.2.27

NOTE—Contn. Sheet

3 6154 (12)
1247

Subject..

Representation of certain Inamdars in regard to the introduction of the Village Panchayet Regulation into Inam Villages.

DEWAN'S OFFICE.
Received on
27. MAR. 1927
Reg. No 6873.

OPINION OF THE COUNCIL.

Discussed with slight modifications suggested, the order may issue after scrutiny (Do the orders of Dr H.

nm
16/3

81/23/3 Keep on dept with D.T.N Subba

nm
23/3

182 marked) F.N. Signed by the Member is placed
file. 28/3/27

S. N. Subba

Dewan)

nm
24 3

DEWAN'S OFFICE.
Received on
30. MAR. 1927
Reg. No.....

nm 3.27
27

(13)

Final Note by the First Member of Council.

Subject :—

Representation of the Mysore Inamdars' Association in regard to the introduction of the Mysore Village Panchayet Regulation into Inam villages in the State.

These papers relate to the representation of the Mysore Inamdars' Association in regard to the introduction of the Mysore Village Panchayet Regulation into Inam villages in the State

The main point in the representation relates to the loss that would be caused to Inamdars by the abolition of mohatarfa and on this point a recommendation that the matter be placed before the Representative Assembly at the Session of June 1927 has been separately submitted.

As regards the other points of the representation, a suitable reply proposed to be sent to the Association is submitted for gracious approval.

K. Chandy.

MEMBER OF COUNCIL.

Bangalore,
24th March 1927.

14)

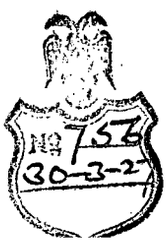
Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* Representation of the Mysore Inamdars' Association in regard to the introduction of the Mysore Village Panchayet Regulation into Inam Villages in the State, *for His Highness' gracious approval.*

Mirza M. Ismail
Dewan.

30-3-27.

Record of Cases submitted for the Orders of His Highness the Maharaja.



Subject.

Representation of the Mysore Inamdars Association in regard to the introduction of the Mysore Village Panchayet Regulation into Inam Villages in the State.

Order.

KRW

2/4/27

C. by

3.4.27

u/u

L6124 Hi 2nd 10 C347

General and Revenue Secretariat

CB 124-2.

SUBJECT

Representation of the Nuwara Eliya Association in regard the introduction of the Nuwara Eliya Village Panchayat Regulation into Eliya Villages.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circlated to the Members of Council at headquaters and then sent to the Secretariat coneerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before /after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

By Order

Chief Secretary to Government.

Through the Secretary to Government,

Department.

10237 4/4

FIRST MEMBER OF COUNCIL. G.O may issue - Amendment for P. Rep. to be included in Rules of business 5/4/27

SECOND MEMBER OF COUNCIL. (Not seen)

Mins

~~EXTRA~~ MEMBER OF COUNCIL. C&S 6/4

1686

NOTE- Contn. sheet.

A. P. C. minute

380

THE MYSORE INAMDARS' ASSOCIATION BANGALORE.

MEMORANDUM.

Re. the introduction of the Village Panchayat Regulation into alienated Villages :—

1. In the interest of the rural population, the Government undertook to create facilities by way of opening and maintaining roads, dispensaries, Schools, Etc.; Sanitation also formed part of the Scheme. To attend to these wants, a cess called Local Cess was levied to avoid utilisation of money out of General Revenues.

2. Alienated Villages were also entitled to the benefits at the hands of Government, along with Government Villages, as Local Cess was levied for such villages also. The levy of Local Cess did not in any way affect the income of the Inamdar as per grant.

Some time later, the Village Panchayat System was introduced, to which Villages with a certain population were formed into Unions (or Panchayats) and the Local people were entrusted with the administration of the affairs of the village. This system was not made compulsory in respect of Alienated Villages. Alienated villages were formed into Unions or Panchayats only with the consent of the holders there of and without affecting the income of the Inamdar.

This Panchayat system not having worked satisfactorily in Government villages, the Inam Commission appointed by Government did not recommend its compulsory introduction into alienated villages. (Vide Inam Commission Report.) Thus it may be seen that the holders of alienated villages were not affected in any way regarding their rights, privileges and income.

The present Village Panchayat Bill deprives the holders of alienated village, not only of some of their income, but also of the rights and privileges, enjoyed by them ever since the grant.

In Government villages, certain incomes derivable from lands of the village are made over to the Panchayat in addition to Mohatarfa. Some lands in the villages, which are at present the property of Government, are also made over to the Panchayat

All these privileges are conferred on the Panchayat, the administration of which is made entirely subject to the control of Government and its officers. By this power of control, Government can dictate its own terms for its using the income. It has the power to prohibit the use of land and income, now made over to the Panchayat, to any purpose, which may be proposed by the Panchayat.

Thus the interests of Government are little affected by the creation of the Panchayat and handing over to them some items of income and lands. On the other hand, they are benefitted in more than one way. By the creation of Panchayats, the present responsibility of the District Board and Government, of providing for local wants, is greatly relieved, and the funds originally meant for these works, will be available for other works. Panchayats will have to look to their local wants at their own cost.

In the case of Alienated Villages, the Bill deprives the holder thereof, not only of some of his legitimate income, but also of all influence or power, which necessarily affects his prestige.

Proviso to Section 40 of the Mysore Local Boards and Village Panchayats Regulation No. VI of 1913 having been omitted, the present Bill may be construed to have the effect of depriving the holder of the Inamdaris and other items of income, which are at present entirely his. While enabling him to lose his income and land, the Bill avoids giving him any responsible voice in or over the Panchayat.

In Government villages, by conceding over the heads of income and lands to the Panchayat, Government retains for itself full control over them, while in alienated villages, the holders are deprived of their income to the Panchayat and power to Government. This form of interference is against the assurances given by Government. (Vide [illegible]).

Under the above circumstances the Association entertains grave doubts as to the successful working of the Village Panchayats generally in alienated villages. Government are anxious to introduce the Village Panchayats, the experiment may perhaps be tried first in Government Villages, before introducing them in alienated villages.

If, however, the Government are not pleased to postpone the introduction of this Scheme in the alienated villages, they are requested to amend the Bill safeguarding the rights and privileges of the holders of alienated villages. The Panchayat should have reasons to spend money relating to Sanitation, Education, Communications and Agriculture only [illegible] to the alienated villages in the light of the [illegible] respective Sections of the Bill.

The holders of villages into which the Panchayat system is to be introduced, should be outside the Panchayat with [illegible] powers, as they take in the place of Government with regard to the administration of their Villages.

Section 4.—Alienated Villages ought not to be grouped with either Government or other alienated villages. Each village should form a unit by itself. Otherwise, there may be conflict of interests and [illegible]. In case of Government villages, Government is the common centre of authority. But in the case of alienated villages, interests being different and separate difficulties may arise in the working of the Panchayat if an alienated village is grouped with other villages.

Section 5.—The holder of an alienated village should have the right to nominate a certain percentage of the members, say about 33% which he may exercise at his option.

By this, the holder of the alienated village will have a hand in the constitution of the Panchayet, just as the Government have reserved such right to nominate in Government villages, and smooth working of the Panchayet will be ensured.

Section 9.—Chairman:—The election should rest with the Inamdar. If the power of election is given to the Panchyetdars, the elected person should be the Chairman subject to the approval of the Inamdars. This is to ensure smooth working and preserve the prestige of the holder of the alienated village.

Sections 13 & 14.—The Deputy Commissioner to exercise the power of removal of members or Chairman, (i) in consultation with the holder of the alienated village when the Panchayet so recommends; and (ii) on the representation of the holder of the alienated village, without any such recommendation.

CHAPTER III.

Sections 21 & 22.—The cumulative effect of the Sections in this Chapter seems to be the curtailment of the powers of the holder of alienated village. It is, therefore, suggested that in the case of alienated villages, the power of Transfer of Village Forests and of the management of irrigation tanks, shall be with the holder of the alienated village. Government should not interfere. Generally the power of delegation should be exercised by the Deputy Commissioner in consultation with the holder of the alienated village.

Village Panchayet should not have any power of interference with the rights of the holder of the alienated village in Batayi lands, tanks, gomals Village Forests and trees in his enjoyment.

Section 28.—The power of demolition of buildings should not be exercised by the Panchayet, except under written approval of the holder of the alienated village.

CHAPTER IV.

Section 34.—Panchayet Fund:—The right of Government to any income in a Government Village is not affected by the constitution of the Panchayet. It must be same in an alienated village. As a rule, holders are not in affluent circumstances, they are generally poor and they cannot afford to forego any portion of their income. It is, therefore, necessary that the proviso to Section 48 of the Mysore Local Boards and Village Panchayet Regulation No. VI of 1918 should find a place in the present Regulation.

Proviso.—"Provided that in the case of alienated village, the rights, if any, of the holders of such village to the enjoyment of Mohatarfa, Cess or any other item of income, shall not be affected by the constitution of a Village Panchayet in such Village."

Section 36.—The holder of an alienated village or the Batayi lands including Gomal, shall not be liable for the payment of any additional Tax, Cess, Rate or Fee that the Panchayet may decide to levy.

Section 43.—The holder of an alienated village shall have the right to exercise the powers for an Amildar under the Regulation, except in cases where the Government, of special reasons, deprive him of such powers.

If there are several sharers, they may be required to elect one of them to exercise the powers under the Regulation. If they fail to do so, or do not agree, the Deputy Commissioner may appoint one of them to exercise such powers.

K.V.V. PRESS, MYSORE.

Proceedings of the Govt. of His Highness the Maharaja of Mysore.

P.W.D. I

R e a d:-

Letter No.27 dated 14th June 1926 from the President of the Mysore Inamdars' Association, submitting a memorandum on the introduction of the Village Panchayet Regulation into alienated villages of the State.

B

2. G.O.No.L.2500-14/L.B.26-26-40 dated 5th October 1926 issuing instructions for bringing the Village Panchayet Regulation into force in the Districts.

P.W.D II
in linked file

3. Letter No.32 dated 24th December 1926 from the President of the said Association - submitting a copy of the proceedings of the general meeting of the Association held on the 19th idem in regard to the introduction of the Village Panchayet Regulation into inam village and certain other subjects affecting the -- interests of the Inamdars.

ORDER NO L7147-7217/05 124-25-16

Dated, Bangalore, 9th April 1927.

The most important of the points urged by the Association relates to the loss that would be caused to the Inamdars by the propose abolition of mohatarfa in consequence of the introduction of the Village Panchayet Scheme into Inam villages. A separate order has -- been issued in the matte

2. Of the remaining points in the memorandu the following were disposed of in the Govt. Order of the 5th October 1926 and the decision arrived at are noted below:-

(1) The suggestion that the Village Panchayet Regulation should not be introduced compulsorily into alienated villages could not be agreed to.

(2) The proposal that alienated villages should not be grouped with other Govt. or other alienated villages without the consent of the Inamdars has been ~~generally~~ accepted.

(3) As regards holders of alienated villages being given the right of nominating a certain percentage of members to the Panchayet, the privilege of making recommendations for the appointment of 50 per cent of the nominated Panchayetdars has been conferred on Inamdars who voluntarily agree to give up the collection of mohatarfa in their villages.

Para 6 of Resolution of Govt. B.

(4) With regard to the suggestion that the selection of the Chairmen should rest with the Inamdars, Govt. could not accept this recommendation as the selection of the Chairmen under Secn. 10 of the Village Panchayet Regulation rests with the Deputy Commissioner, but they, however, directed that appointments of Chairmen for Panchayets in Inam villages where the Inamdars agree to give up the collection of mohatarfa be made on the recommendation of the Inamdars.

Para 8 of Resolution of Govt. B.

3. The Association claims that holders of alienated villages should be outside the Panchayets with definite controlling powers as they take the place of Govt. with regard to the administration of their villages. -- Govt. regret that they cannot countenance this claim which is wholly inconsistent with the

35

position of Inamdars, as explained in para 2 of Govt. Order No.R.4306-26/L.B.126-25-7 dated eend January 1927.

4. The other representations requiring orders are the following:-

(i) that the Deputy Commissioner should not order the removal of members or Chairman of a Panchayet except in consultation with or on the representation of the holder of the alienated village;

(ii) that the power of demolition of -- buildings should be exercised by the Panchayet only with the written approval of the holder of the alienated village;

(iii) that the holder of an alienated village should not be made liable to payment of any additional tax, cess, rate or fee which the Panchayet may decide to levy;

(iv) that the holder of an alienated village should have the right to exercise the power of an Amildar except in cases where the Govt. for special reasons deprive him of such power;

(v) that Village Panchayets should not have any power of interference with the right of the Inamdar in Batayi lands, tanks, gomal, village forests and trees in his enjoyment;

(vi) that the power of transfer of village forests and of management of irrigation tanks should remain with the Inamdar and the Govt. should not interfere in such cases, the power of delegation being exercised by the Deputy Commissioner in consultation with the Inamdar.

5. As regards the removal of Panchayetdars and Chairman, Govt. observe that under Secn. 14 of the Village Panchayet Regulation the recommendation of the Panchayet is necessary for the removal of a Panchayetdar and -- that under Secn. 15 the removal of the Chairman may be made only for misconduct or neglect of or incapacity to perform, his duty or for any disgraceful conduct, after affording the Chairman an opportunity of being heard. Govt. are ~~not prepared~~ unable to accept the recommendation of the Association to limit the discretion vested in the Deputy Commissioner.

6. With regard to the suggestion that the power vested in Panchayets to order demolition of buildings be exercised only with the written approval of the Inamdar, Govt. consider it -- essential that Panchayets should have full -- liberty in enforcing the sanitary provisions of the Regulation. Under Secn. 29 of the Regulation the Panchayet may by a written -- notice require a building to be demolished when it is erected without permission or in any manner contrary to the rules prescribed or the conditions imposed by the permission. It is open to the aggrieved party to prefer an appeal to the Assistant Commissioner from the order of the Panchayet. Govt. do not consider it expedient to restrict the powers of the -- Panchayets in the manner proposed by the Association.

7. With regard to the claim for exemption of certain properties of Inamdars from taxation by Panchayets, Govt. consider that the dwelling

of the Inamdar,

houses and vacant sites of Inamdars from each of his which no profit is derived by them should be exempted from taxes under Secn. 36 of the Village Panchayet Regulation, and suitable action will be taken to amend the rules accordingly. As regards taxes under Secn. 37 of the Regulation, Govt. observe that their levy is subject to the sanction of Govt. that if any such tax proposed by a Panchayet is unfair in its incidence or presses unduly on an Inamdar, any representation the Inamdar may make in the matter will be duly considered by Govt. before its levy is sanctioned. Govt. regret that a general exemption from taxation in the manner proposed by the Association is not feasible.

8. As regards Inamdars being generally empowered to exercise the powers of the Amildars, in respect of their villages, Govt. consider that such powers cannot be conferred on any person before Govt. satisfy themselves that the proposed delegate is competent to exercise the powers in question. Govt. consider that the provision enjoined in Secn. 45 of the Regulation is quite sufficient.

9. As regards interference with properties in the enjoyment of Inamdars and investment of Panchayets with powers in respect of village forests and tanks, Govt. serve notice that the provisions of Secns. 22 and 23 of the Regulation are only enabling provisions. It is not the intention of Govt. to exercise these powers in respect of inam villages without ascertaining the wishes of the Inamdars and without their consent. Govt. have also power

to impose limitations and conditions while acting under these Secns. so as not to prejudice the interests of Inamdars. In this connection, Govt. have to observe that village forests as defined in the Mysore Forest Regulation comprise only lands at the disposal of the Govt. and that the Village Panchayet Regulation does not contemplate the grant to the Village Panchayets of powers in respect of tanks which are not conferred by the Tank Panchayet Regulation.

10. The Association also requests that it may be empowered to elect a member to each of the District Boards. The Association has been enfranchised to return a member to the Bangalore District Board. As regards other Districts, it is only Associations that are formed in the Districts concerned and are enfranchised that could have the privilege.

11. In conclusion, Govt. feel it necessary to observe that some of the representations made by the Association are based on a misconception of the real position of Inamdars in respect of the villages in their holding. Govt. have always shown and will always be prepared to extend to Inamdars such consideration as may be due to their ~~social position and personal prestige~~. But the claim implied in some of the demands under consideration that the enjoyment of alienated revenue confers on Inamdars as such a right

to

to ~~some kind of~~ participation in the functions of Govt. is one which ~~cannot~~ neither be established by precedent nor justified on any grounds of public policy. either

Chief Secretary to Govt.

To

The Revenue Commr. in Mysore.

~~The~~ Other Heads of Departments.

The Deputy Commrs. of Districts.

The Presidents of Bangalore, Kolar and Hassan Dts. through the Deputy Commrs.

The Presidents of other Dt. Bds.

The Secretary to Govt., General Dept.

LEC

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

124-25-16

G. O. No. L. 7147-7217—L. B. 24-25-16, dated 9th April 1927.

Memorandum presented by the Inamdars' Association.

Issues orders on the —— on the introduction of the Village Panchayet Regulation into Alienated Villages in the State.

READ—

Letter No. 27, dated 14th June 1926, from the President of the Mysore Inamdars' Association, submitting a memorandum on the introduction of the Village Panchayet Regulation into Alienated Villages of the State.

2. Government Order No. L. 2500-14—L. B. 26-26-40, dated 5th October 1926, issuing instructions for bringing the Village Panchayet Regulation into force in the districts.

3. Letter No. 32, dated 24th December 1926, from the President of the said Association, submitting a copy of the proceedings of the general meeting of the Association held on the 19th idem in regard to the introduction of the Village Panchayet Regulation into Inam Villages and certain other subjects affecting the interests of the Inamdars.

ORDER No. L. 7147-7217—L. B. 24-25-16, DATED 9TH APRIL 1927.

Of the various points urged by the Association in the letter read above and in the interview which the members of Association had with the Dewan and Members of Government on 1st February 1927, the most important is the one relating to the loss that would be caused to the Inamdars by the proposed abolition of mohatarfa in consequence of the introduction of the Village Panchayet Scheme into Inam Villages. A separate order has been issued in the matter.

2. Of the remaining points in the memorandum, the following were disposed of in the Government Order of the 5th October 1926, and the decisions arrived at are noted below:—

(1) The suggestion that the Village Panchayet Regulation should not be introduced compulsorily into alienated villages could not be agreed to.

(2) The proposal that alienated villages should not be grouped with other Government or other alienated villages without the consent of the Inamdars has been accepted.

(3) As regards holders of alienated villages being given the right of nominating a certain percentage of members to the Panchayets the privilege of making recommendations for the appointment of 50 per cent of the nominated Panchayetdars has been conferred on Inamdars who voluntarily agree to give up the collection of mohatarfa in their villages.

(4) With regard to the suggestion that the selection of the Chairman should rest with the Inamdars, Government could not accept this recommendation as the selection of the Chairman under Section 10 of the Village Panchayet Regulation rests with the Deputy Commissioner, but they, however, directed that appointments of Chairman for Panchayets in Inam Villages where the Inamdars agree to give up the collection of mohatarfa be made on the recommendation of the Inamdars.

3. The Association claims that holders of alienated villages should be outside the Panchayets with definite controlling powers as they take the place of Government with regard to the administration of their villages. Government regret that they cannot countenance this claim which is wholly inconsistent with the position of Inamdars, as explained in para 2 of Government Order No. R. 4306-26—L. B. 126-25-7, dated 22nd January 1927.

4. The other representations requiring orders are the following:—

(i) that the Deputy Commissioner should not order the removal of members or Chairman of a Panchayet except in consultation with or on the representation of the holder of the alienated village;

(ii) that the power of demolition of buildings should be exercised by the Panchayet only with the written approval of the holder of the alienated village;

(iii) that the holder of an alienated village should not be made liable to payment of any additional tax, cess rate or fee which the Panchayet may decide to levy;

(iv) that the holder of an alienated village should have the right to exercise the power of an Amildar except in cases where the Government for special reasons deprive him of such power;

(v) that Village Panchayets should not have any power of interference with the right of the Inamdar in Batayi lands, tanks, gomal, village forests and trees in his enjoyment;

(vi) that the power of transfer of village forests and of management of irrigation tanks should remain with the Inamdar and the Government should not interfere in such cases, the power of delegation being exercised by the Deputy Commissioner in consultation with the Inamdar.

5. As regards the removal of Panchayetdars and of the Chairmen, Government observe that under Section 14 of the Village Panchayet Regulation the recommendation of the Panchayet is necessary for the removal of a Panchayetdar and that under Section 15 the removal of the Chairman may be made only for misconduct or neglect of, or incapacity to perform, his duty or for any disgraceful conduct, after affording the Chairman an opportunity of being heard. Government are unable to accept the recommendation of the Association to limit the discretion vested in the Deputy Commissioner.

6. With regard to the suggestion that the power vested in Panchayets to order demolition of buildings be exercised only with the written approval of the Inamdar. Government consider it essential that Panchayets should have full liberty in enforcing the sanitary provisions of the Regulation. Under Section 29 of the Regulation the Panchayet may by a written notice, require a building to be demolished when it is erected without permission or in any manner contrary to the rules prescribed or the conditions imposed by the permission. It is open to the aggrieved party to prefer an appeal to the Assistant Commissioner from the order of the Panchayet. Government do not consider it expedient to restrict the powers of the Panchayets in the manner proposed by the Association.

7. With regard to the claim for exemption of certain properties of Inamdars from taxation by Panchayets, Government consider that the dwelling house of the Inamdar and such of his vacant sites from which no profit is derived by him should be exempted from taxes under Section 36 of the Village Panchayet Regulation, and suitable action will be taken to amend the rules accordingly. As regards taxes under Section 37 of the Regulation, Government observe that their levy is subject to the sanction of Government that if any such tax proposed by a Panchayet is unfair in its incidence or presses unduly on an Inamdar, any representation the Inamdar may make in the matter will be duly considered by Government before its levy is sanctioned. Government regret that a general exemption from taxation in the manner proposed by the Association is not feasible.

8. As regards Inamdars being generally empowered to exercise the powers of the Amildars, in respect of their villages, Government consider that such powers cannot be conferred on any person before Government satisfy themselves that the proposed delegate is competent to exercise the powers in question. Government consider that the provision explained in Section 45 of the Regulation is quite sufficient.

No. L. 7147-7217—L. B./24-25-16, DATED 9TH APRIL 1927.

9. As regards interference with properties in the enjoyment of Inamdars and investment of Panchayets with powers in respect of village forests and tanks, Government observe that the provisions of Sections 22 and 23 of the Regulation are only enabling provisions. It is not the intention of Government to exercise these powers in respect of Inam Villages without ascertaining the wishes of the Inamdars and without their consent. Government have also power to impose limitations and conditions while acting under these Regulations so as not to prejudice the interests of Inamdars. In this connection, Government have to observe that village forests as defined in the Mysore Forest Regulation comprise only lands at the disposal of the Government and that the Village Panchayet Regulation does not contemplate the grant to the Village Panchayets of powers in respect of tanks which are not conferred by the Tank Panchayet Regulation.

10. The Association also requests that it may be empowered to elect a member to each of the District Boards. The Association has been enfranchised to return a member to the Bangalore District Board. As regards other districts, it is only Associations that are formed in the Districts concerned and are enfranchised that could have the privilege.

11. In conclusion, Government feel it necessary to observe that some of the representations made by the Association are based on a misconception of the real position of Inamdars in respect of the villages in their holding. Government have always shown and will always be prepared to extend to Inamdars such consideration as may be due to their position. But the claim implied in some of the demands under consideration that the enjoyment of alienated revenue confers on Inamdars as such, a right to participation in the functions of Government is one which can neither be established by precedent nor justified on any grounds of public policy.

N. MADHAVA RAO,
Chief Secretary to Government.

To—The Revenue Commissioner in Mysore.
The Other Heads of Departments.
The Deputy Commissioners of Districts.
The Presidents of Bangalore, Kolar and Hassan Districts,
through the Deputy Commissioners.
The Presidents of other District Boards.
The Secretary to Government, General Department

Exd.—P. S. R. N.

W D 2123—GPB—780—18-4-27

PP. F. VI. Gl.]

SUBJECT.....

Section LB

File No. 124/25

Serial No.

Diary No. of letter replied to 6124

No. L8276 Enone

To

The President, The Mysore Iranians' Association, Bangalore City

Sir,

I am directed to forward a copy of Govt. orders Nos. L-7147-7217/LB 124-25-16 ~~9.4.27~~ ~~L-7237-7298/LB 26-26-158~~ ~~9.4.27~~ passing orders on the memorandum presented by your Association on the information of the Village Panchayet Regulation into alienated villages in the State.

Dated: 17-5-27

Dated: 17-5-27

Signed by Mr. M. V. Eyyunni

Dy. Secretary

General and Revenue Secretariat

(LB)

the 192

List of enclosures.....

Copied by DDR 16/5

Examined by.....

Dy. General Secretary

Ch 10/5

over

WD 01265—GPB—31,000—24-12-25